

**Probate Committee  
Judicial Conference of Indiana**

November 18, 2005  
Minutes

1. Members present. The following members of the committee were present: David Bolk, Larry Bradley, Barbara Harcourt, Phillip Houk, Kathy Smith, and Peter Nemeth, Acting Chair.
2. Staff present. Michelle C. Goodman provided the committee with staff assistance.
3. Approval of minutes. The Committee approved the minutes from the August 19, 2005 meeting.
4. Deskbook revisions. The Committee members reviewed the draft revisions to Deskbook sections 1.00, 1.20, 1.40, 1.50, and 1.70. The Committee made note of a couple of typographical errors and added “supervised” in front of estate to section 1.41(C)(3)(b). The Committee approved these drafts as amended for publication and distribution, and authorized staff to also distribute the revisions drafted in 2004, which were previously approved for publication.

The Committee then reviewed two outlines concerning topics for a trust section. The Committee felt that the first outline (which does not make reference to HEA 1153 sections) was good and would cover the basic topics. The Committee decided that topics should be treated at a basic level since judges will have to do extensive research when a trust issue is raised in court. Judge Nemeth indicated that he has several forms used in trust cases. He said he would send them to Michelle to distribute to the Committee prior to the next meeting. The Committee decided to hold this topic over to the next meeting to review the forms and use this outline as the text for the deskbook section.

The Committee briefly discussed the power of attorney outline and the minimal amount of litigation in this area. Committee members thought it would be a good idea to create a power of attorney registry and differentiate in the statutes the powers of institutional POAs versus individual POAs. The Committee decided to hold this topic over to the next meeting.
5. Report from Probate Code Study Commission. The Committee received the final report, preliminary drafts, and minutes from the Probate Code Study Commission for its information.
6. Report from State Bar Section meeting. The Committee received the report from the Section meeting held in October. The Committee reviewed the report during the meeting.
7. Other business. Judge Nemeth gave a demonstration of the electronic filing system used in St. Joseph Probate Court. The Committee was asked to develop ideas for future Committee projects for the next meeting.
8. 2006 meeting schedule. The Committee scheduled the following meetings for 2006: March 3, 2006; August 25, 2006; November 17, 2006. All meetings will begin at 1:30 p.m. (Indianapolis time) at the Judicial Center.

Respectfully Submitted,

Michelle C. Goodman